

Introduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2008 Legislative Session

Legislative Day No. 7

### BILL NO. 50-2008 (ZRA #95)

**Introduced by: Courtney Watson, Councilperson  
And at the request of the County Executive**

**AN ACT** amending the Howard County Zoning Regulations to establish a new definition for Neighborhood Preservation Parcel; to establish new procedures detailing the process in which qualifying Neighborhood Preservation Parcels may be used as sending parcels to send residential density to certain receiving districts; and generally relating to Neighborhood Preservation Parcels.

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Introduced and read first time \_\_\_\_\_, 2008. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2008 and concluded on \_\_\_\_\_, 2008.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

This Bill was read the third time \_\_\_\_\_, 2008 and Passed\_\_\_\_, Passed with amendments\_\_\_\_, Failed\_\_\_\_.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2008 at \_\_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on \_\_\_\_\_, 2008.

\_\_\_\_\_  
Ken Ulman , County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law.  
~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

*Section 1. Be it enacted by the County Council of Howard County, Maryland, that a new definition number 120, of Section 103.A “Definitions.”, of the Howard County Zoning Regulations is hereby added; Subsection A “Purpose”, of Section 107 “R-ED (Residential: Environmental Development) District” is hereby reenacted without changes and a new Letter G “Density Exchange for Neighborhood Preservation Parcels” is added; Subsection A “Purpose” of Section 108 “R-20 (Residential: Single) District” is hereby reenacted without changes and a new Letter F “Density Exchange for Neighborhood Preservation Parcels” is added; Subsection A “Purpose”, of Section 109 “R-12 (Residential: Single) District” is hereby reenacted without changes and a new Letter F “Density Exchange for Neighborhood Preservation Parcels” is added; Subsection A “Purpose”, of Section 111 “R-SA-8 (Residential: Single Attached) District” is hereby reenacted without changes and a new Letter E “Receiving Parcel for Neighborhood Preservation” is added; Subsection A “Purpose”, of Section 112 “R-A-15 (Residential: Apartments) District” is hereby reenacted without changes and a new Letter E “Receiving Parcel for Neighborhood Preservation” is added; ~~Subsection A “Purpose”, of Section 126 “PGCC (Planned Golf Course Community) District” is hereby reenacted without changes and a new Letter I “Receiving Parcel for Neighborhood Preservation” is added; Subsection A “Purpose”, of Section 127 “MXD (Mixed Use) Districts” is hereby reenacted without changes and a new Letter I “Receiving Parcel for Neighborhood Preservation” is added; Subsection A “Purpose”, of Section 127.5 “CAC (Corridor Activity Center) District” is hereby reenacted without changes and a new Letter F “Receiving Parcel for Neighborhood Preservation” is added; Subsection A “Purpose”, of Section 127.6 “TNC (Traditional Neighborhood Center) Overlay District” is hereby reenacted without changes and a new Letter G “Receiving Parcel for Neighborhood Preservation” is added;~~ and Section 128 “Supplementary Zoning District Regulations” of the Howard County Zoning Regulations are hereby amended to read as follows:*

## **Howard County Zoning Regulations**

### **SECTION 103: Definitions**

- A. Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined

below or in any other provision of these regulations:

120. PRESERVATION PARCEL, NEIGHBORHOOD: A RESIDENTIAL INFILL PARCEL IN THE R-20, R-12, OR R-ED ZONING DISTRICTS THAT EXISTED ON \_\_\_\_\_ [THE EFFECTIVE DATE OF ZRA 95] AND IS DESIGNATED AS A SENDING PARCEL ON A REVISION PLAT OR A FINAL PLAT OF EASEMENT. A NEIGHBORHOOD PRESERVATION PARCEL SHALL BE ENCUMBERED BY A NEIGHBORHOOD PRESERVATION PARCEL EASEMENT, IMPROVED WITH AN EXISTING DWELLING UNIT, AND ANY NEW STRUCTURES PLACED ON THE SITE SHALL NOT BE LARGER THAN 50 PERCENT OF THE BUILDING FOOTPRINT OF THE DWELLING UNIT EXISTING AT THE TIME THE NEIGHBORHOOD PRESERVATION EASEMENT IS RECORDED, EXCEPT AS PROVIDED IN SECTION 128.L.2.B.

#### **SECTION 107: R-ED (Residential: Environmental Development) District**

##### **A. Purpose**

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

##### **G. DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS**

1. A PARCEL QUALIFYING WITH THE CRITERIA FOR RESIDENTIAL INFILL DEVELOPMENT AS DEFINED IN SECTION 16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS MAY BE A SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION IN ACCORDANCE WITH THE REQUIREMENTS OF

**SECTION 108: R-20 (Residential: Single) District**

**A. Purpose**

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

**F. DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS**

**1. SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION**

A PARCEL QUALIFYING WITH THE CRITERIA FOR RESIDENTIAL INFILL DEVELOPMENT AS DEFINED IN SECTION 16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS MAY BE A SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 128.L. OF THE ZONING REGULATIONS.

**2. RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.**

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS OF UP TO 10% MORE DWELLING UNITS THAN WOULD BE ACHIEVABLE BASED ON NET DENSITY IN THE R-ED DISTRICT IF DEVELOPED AS SINGLE-FAMILY DETACHED DWELLINGS USING THE R-ED REGULATIONS, IN ACCORDANCE WITH SECTION F.3 BELOW AND SECTION 128.L. REQUIREMENTS.

**3. DEVELOPMENT UNDER R-ED REGULATIONS**

A. LAND IN THE R-20 DISTRICT MAY BE DEVELOPED PURSUANT TO THE R-

ED DISTRICT REGULATIONS IN THEIR ENTIRETY, IF THE PROPERTY TO BE DEVELOPED IS:

- (I) SUBDIVIDED FOR SINGLE-FAMILY DETACHED UNITS ONLY; AND
- (II) A LOT OR GROUP OF CONTIGUOUS LOTS WITH A COMBINED TOTAL LOT AREA OF MORE THAN 100,000 SQUARE-FEET.

B. LAND DEVELOPED PURSUANT TO THIS SECTION IS SUBJECT TO THE R-ED DISTRICT REGULATIONS, INCLUDING THE REQUIREMENT FOR PLANNING BOARD REVIEW, EXCEPT THAT STRUCTURES ARE REQUIRED TO BE SET BACK 75 FEET FROM PROJECT BOUNDARIES ADJOINING SINGLE-FAMILY DETACHED DEVELOPMENTS.

#### **SECTION 109: R-12 (Residential: Single) District**

**A. Purpose**

The R-12 District is established to provide single-family detached and semi-detached residential uses. The district provides a choice of housing types typically on lots less than a half acre.

**F. DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS**

**1. SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION**

A PARCEL QUALIFYING WITH THE CRITERIA FOR RESIDENTIAL INFILL DEVELOPMENT AS DEFINED IN SECTION 16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS MAY BE A SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 128.L. OF THE ZONING REGULATIONS .

**2. RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.**

A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH

1 NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS OF UP  
2 TO 10% MORE DWELLING UNITS THAN WOULD BE ACHIEVABLE BASED ON NET  
3 DENSITY ~~IN THE R-ED DISTRICT~~ OF 3 DWELLING UNITS PER NET ACRE, IN  
4 ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.  
5  
6

## 7 **SECTION 111: R-SA-8 (Residential: Single Attached) District**

8

### 9 **A. Purpose**

10 The R-SA-8 District is established to provide clustered attached dwelling units. It is  
11 the intent of this district that the attached dwellings be compatible with adjacent  
12 residential zones.  
13

### 14 **E RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.**

15

16 A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH  
17 NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP  
18 TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY  
19 IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.  
20  
21

## 22 **SECTION 112: R-A-15 (Residential: Apartments) District**

23

### 24 **A. Purpose**

25  
26 The R-A-15 District is established to provide the opportunity for high density  
27 apartments and single-family attached dwelling units.  
28  
29

### 30 **E RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.**

31

32 A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH

1 NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP  
2 TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY  
3 IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.  
4  
5

## 6 **SECTION 126: PGCC (Planned Golf Course Community) District**

7

### 8 **A. Purpose**

9

10 ~~— The Planned Golf Course Community District is established to permit mixed use~~  
11 ~~development combining recreation, residential, commercial and conference center uses~~  
12 ~~while preserving 50 percent of the district as open space. It is the purpose of the PGCC~~  
13 ~~District to integrate recreational uses, including at least two eighteen hole golf courses,~~  
14 ~~with residential development and to provide a variety of housing choices.~~  
15

### 16 **I. RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.**

17

18 ~~— A PGCC 2 PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH~~  
19 ~~NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP~~  
20 ~~TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY~~  
21 ~~IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS, AND UPON~~  
22 ~~PLANNING BOARD APPROVAL OF AN AMENDMENT TO THE COMPREHENSIVE SKETCH~~  
23 ~~PLAN OR FINAL DEVELOPMENT PLAN~~  
24  
25

## 26 **SECTION 127: MXD (Mixed Use) Districts**

27

### 28 **A. Purpose**

29

30 ~~— The Mixed Use Districts are established to permit flexible and efficient use of large~~  
31 ~~parcels at key locations by combining housing, employment, local commercial and~~  
32 ~~open space uses in accordance with a unified design. Appropriate locations for the~~

1       MXD Districts will be characterized by availability of public utilities, good access to  
2       collector or arterial highways, and potential access to public transit facilities. The  
3       phasing of development in the MXD Districts is to be concurrent with the phasing of  
4       required road improvements and is to result in a mix of land uses at the earliest  
5       feasible stage of development.

6  
7       ~~The MXD Districts provide for well designed communities which are compatible with~~  
8       ~~surrounding neighborhoods and protective of the natural elements of the landscape. A~~  
9       ~~Mixed Use Development is intended to include a planned network of open space~~  
10      ~~which includes environmental areas, recreation areas, and public plazas or squares; a~~  
11      ~~diversity of housing types at medium to high densities; and convenient pedestrian~~  
12      ~~access between uses.~~

13  
14      ~~Two MXD Districts are established: the MXD-3 and MXD-6 Districts. The two~~  
15      ~~districts allow differing intensities of land use in order to ensure that mixed use~~  
16      ~~developments are compatible with surrounding land uses.~~

17  
18      ~~A Mixed Use Development shall contain at least one focal point: an area of diverse,~~  
19      ~~integrated land uses, designed to create a distinct focus for the development. Focal~~  
20      ~~points should be scaled and oriented to pedestrian movement and should incorporate~~  
21      ~~public transit access if available.~~

22  
23      ~~The MXD District regulations promote and allow planning innovation and design~~  
24      ~~flexibility. Each plan submission for an MXD District must incorporate design~~  
25      ~~considerations at an appropriate level of detail for the submission stage. A public~~  
26      ~~hearing is required at the Preliminary Development Plan and Comprehensive Sketch~~  
27      ~~Plan stages of the plan review process, to ensure adequate opportunity for public~~  
28      ~~comment.~~

29  
30      ~~In order to allow appropriate uses prior to the approval of a Mixed Use Development,~~  
31      ~~the MXD-3 and MXD-6 Districts are Overlay Districts. Uses allowed in the underlying~~  
32      ~~district may be established prior to the approval of a Preliminary Development Plan for~~



1 ~~Mixed Use Development.~~

2  
3 ~~I — RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.~~

4  
5 ~~— A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH~~  
6 ~~NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP~~  
7 ~~TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY~~  
8 ~~IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS, AND UPON~~  
9 ~~ZONING BOARD APPROVAL OF AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT~~  
10 ~~PLAN~~

11  
12  
13 **SECTION 127.5 CAC (Corridor Activity Center) District**

14  
15 **A. Purpose**

16  
17 This district is intended to provide for the development of pedestrian-oriented, urban  
18 activity centers with a mix of retail, service, office and residential uses. These centers  
19 should be located near to Route 1 and close to residential communities that will benefit  
20 from a pedestrian-oriented local business area. The requirements of this district, in  
21 conjunction with the Route 1 Manual and the public improvements recommended by  
22 the Route 1 Corridor Revitalization Study, will result in development that will  
23 strengthen nearby communities, provide for safe and convenient pedestrian travel, and  
24 improve the streetscape of Route 1 and intersecting roads.

25  
26 Many parcels in the CAC district were developed before this district was created. It is  
27 not the intent of these requirements to disallow the continued use of sites developed  
28 prior to the CAC district. The intent of this district will be achieved by bringing the  
29 sites into compliance with these requirements and the standards of the Route 1 Manual  
30 as uses are expanded or redeveloped.

31  
32 **F RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.**

1  
2 A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH  
3 NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP  
4 TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY  
5 IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.  
6  
7

8 **~~SECTION 127.6: TNC (TRADITIONAL NEIGHBORHOOD CENTER) OVERLAY~~**  
9 **~~DISTRICT~~**  
10

11 **~~A. PURPOSE~~**  
12

13 ~~—— This district is intended to provide for the development of pedestrian-oriented, urban~~  
14 ~~activity centers with a mix of retail, service, office and residential uses. These centers~~  
15 ~~should be located near Route 40 and close to residential communities that will benefit~~  
16 ~~from a pedestrian-oriented local business area. The requirements of this district, in~~  
17 ~~conjunction with the Route 40 Manual and the public improvements recommended by~~  
18 ~~the Route 40 Enhancement Study, will result in development that will strengthen~~  
19 ~~nearby communities, provide for safe and convenient pedestrian travel, and improve~~  
20 ~~the streetscape of Route 40 and intersecting roads.~~  
21

22 ~~—— Sites within the TNC Overlay may continue to be used, developed and redeveloped in~~  
23 ~~accordance with the underlying zoning. The intent of this district is to provide an~~  
24 ~~alternative method of development for property owners who choose to comply with the~~  
25 ~~Route 40 Manual and the requirements of this district. Development complying with~~  
26 ~~the TNC district requirements will be permitted to include residential development and~~  
27 ~~will have greater flexibility in some bulk requirements.~~  
28  
29

30 **~~G RECEIVING PARCEL FOR NEIGHBORHOOD PRESERVATION.~~**  
31

32 ~~—— A PARCEL MAY BE DEVELOPED AS A RECEIVING PARCEL IN ASSOCIATION WITH~~

1       ~~NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCELS AT A BONUS DENSITY OF UP~~  
2       ~~TO 10% MORE DWELLING UNITS THAN PERMITTED BY THE STANDARD MAXIMUM DENSITY~~  
3       ~~IN THE DISTRICT, IN ACCORDANCE WITH THE SECTION 128.L. REQUIREMENTS.~~

4  
5  
6               **SECTION 128 Supplementary Zoning District Regulations**  
7

8       L.       **DENSITY EXCHANGE FOR NEIGHBORHOOD PRESERVATION PARCELS**  
9

- 10           1.       IN THE R-ED, R-20, AND R-12 DISTRICTS, A PARCEL THAT QUALIFIES UNDER THE  
11                   CRITERIA FOR NEIGHBORHOOD INFILL DEVELOPMENT AS DEFINED IN SECTION  
12                   16.108.(B) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS AND IS  
13                   ELIGIBLE TO BE DEVELOPED FOR ADDITIONAL RESIDENTIAL LOTS, MAY BE A  
14                   SENDING PARCEL FOR NEIGHBORHOOD PRESERVATION WITHIN THE SAME  
15                   PLANNING DISTRICT.  
16

17                   WITH THIS NEIGHBORHOOD PRESERVATION DENSITY EXCHANGE OPTION, IN THE  
18                   R-ED AND R-20 DISTRICTS DENSITY MAY BE EXCHANGED FROM A  
19                   NEIGHBORHOOD PRESERVATION PARCEL SENDING PARCEL TO AN ELIGIBLE  
20                   RECEIVING PARCEL BASED ON A RATE OF 2 DEVELOPMENT RIGHTS PER NET ACRE,  
21                   UP TO A MAXIMUM OF 3 DEVELOPMENT RIGHTS PER PARCEL. IN THE R-12  
22                   DISTRICT DENSITY MAY BE EXCHANGED FROM A NEIGHBORHOOD PRESERVATION  
23                   PARCEL SENDING PARCEL TO AN ELIGIBLE RECEIVING PARCEL BASED ON A RATE  
24                   OF 3 DEVELOPMENT RIGHTS PER NET ACRE, UP TO A MAXIMUM OF 3  
25                   DEVELOPMENT RIGHTS PER PARCEL.  
26

27           2.       **NEIGHBORHOOD PRESERVATION PARCEL EASEMENT REQUIREMENTS**  
28

- 29           A.       THE EASEMENT SHALL COVER THE ENTIRE SENDING PARCEL OR LOT THAT  
30                   COMPLIES WITH THE DEFINITION OF A NEIGHBORHOOD PRESERVATION  
31                   PARCEL IN SECTION 103.  
32

1           B.     A NEIGHBORHOOD PRESERVATION PARCEL EASEMENT IMPROVED WITH  
2                 AN EXISTING DWELLING UNIT SHALL NOT HAVE ANY NEW STRUCTURES  
3                 PLACED ON THE SITE THAT ARE LARGER THAN 50 PERCENT OF THE  
4                 BUILDING FOOTPRINT OF THE DWELLING UNIT EXISTING AT THE TIME THE  
5                 NEIGHBORHOOD PRESERVATION EASEMENT IS RECORDED. HOWEVER, IF  
6                 THE AVERAGE FOOTPRINT SIZE OF THE NEAREST SIX DWELLINGS IS  
7                 GREATER THAN THE FOOTPRINT OF THE EXISTING BUILDING, THE  
8                 DIRECTOR MAY APPROVE A FOOTPRINT THAT DOES NOT EXCEED THIS  
9                 AVERAGE.

10  
11           C.     THE EASEMENT SHALL BE APPROVED BY THE DEPARTMENT OF PLANNING  
12                 AND ZONING AND SHALL BE RECORDED AT THE TIME OF RECORDATION OF  
13                 THE FINAL PLAT FOR THE NEIGHBORHOOD PRESERVATION PARCEL.

14  
15           D.     THE EASEMENT SHALL RUN WITH THE LAND, SHALL BE IN FULL FORCE  
16                 AND EFFECT IN PERPETUITY, AND SHALL DESCRIBE AND IDENTIFY THE  
17                 FOLLOWING:

18  
19                 1.     THE LOCATION AND SIZE OF ALL EXISTING IMPROVEMENTS ON THE  
20                         PARCEL COVERED BY THE EASEMENT.

21  
22                 2.     A PROHIBITION ON FUTURE SUBDIVISION OF THE NEIGHBORHOOD  
23                         PRESERVATION PARCEL.

24  
25                 3.     A PROHIBITION ON FUTURE USE OR DEVELOPMENT OF THE PARCEL  
26                         FOR USES INCOMPATIBLE WITH THE NEIGHBORHOOD  
27                         PRESERVATION PARCEL EASEMENT. ONLY PRINCIPAL OR  
28                         ACCESSORY RESIDENTIAL USES ARE PERMITTED IN ACCORDANCE  
29                         WITH THE ZONING REGULATIONS.

30  
31                 4.     THE PROVISIONS FOR MAINTENANCE OF THE NEIGHBORHOOD  
32                         PRESERVATION PARCEL.

- 1
- 2                   5.     THE RESPONSIBILITY FOR ENFORCEMENT OF THE DEED OF
- 3                             NEIGHBORHOOD PRESERVATION PARCEL EASEMENT.
- 4
- 5                   6.     THE PROVISIONS FOR SUCCESSION IN THE EVENT THAT ONE OF THE
- 6                             PARTIES TO THE DEED OF NEIGHBORHOOD PRESERVATION PARCEL
- 7                             EASEMENT CEASES TO EXIST.
- 8

9           E.     ONE OF THE FOLLOWING ENTITIES SHALL BE A PARTY TO THE DEED OF

10                   NEIGHBORHOOD PRESERVATION PARCEL EASEMENT IN ADDITION TO THE

11                   PROPERTY OWNER:

12

- 13                   1     HOWARD COUNTY GOVERNMENT; OR
- 14
- 15                   2     MARYLAND ENVIRONMENTAL TRUST OR MARYLAND
- 16                             HISTORICAL TRUST; OR
- 17
- 18                   3.     A LAND CONSERVATION ORGANIZATION APPROVED BY THE
- 19                             COUNTY COUNCIL.
- 20

21       3.     RECEIVING DEVELOPMENT REQUIREMENTS

22

23       A.     RESIDENTIAL DEVELOPMENT RIGHTS DERIVED FROM NEIGHBORHOOD

24                   PRESERVATION SENDING PARCELS MAY BE RECEIVED AS BONUS DENSITY

25                   FOR DEVELOPMENTS ON PARCELS IN THE R-SA-8, R-A-15, ~~PGCC-2,~~

26                   CAC, TNC DISTRICTS, AND ALSO THE MXD DISTRICT FOR PROPERTY

27                   INCLUDED IN AN APPROVED PRELIMINARY DEVELOPMENT PLAN FOR A

28                   MIXED-USE DEVELOPMENT AND TNC DISTRICTS.

29

30       B.     RESIDENTIAL DEVELOPMENT RIGHTS DERIVED FROM NEIGHBORHOOD

31                   PRESERVATION SENDING PARCELS MAY BE RECEIVED AS BONUS DENSITY

32                   FOR DEVELOPMENTS ON PARCELS AT LEAST ~~15~~ 11 ACRES IN SIZE IN THE

R-20 AND R-12 DISTRICTS.

C. DEVELOPMENT RIGHTS SHALL BE RECEIVED IN ACCORDANCE WITH THE FOLLOWING RATIOS:

TYPE OF DWELLING UNIT TO BE CONSTRUCTED	NUMBER OF DEVELOPMENT RIGHTS NEEDED PER DWELLING UNIT
SINGLE-FAMILY DWELLING	1
TOWNHOUSE DWELLING	.5
APARTMENT	<del>.35</del> .33

D. ANY PARCEL WITH THE MAIN STEM OF EITHER THE PATAPSCO RIVER, THE PATUXENT RIVER, THE LITTLE PATUXENT RIVER, THE MIDDLE PATUXENT RIVER, OR THE DEEP RUN RUNNING THROUGH THE PROPERTY SHALL BE EXCLUDED FOR CONSIDERATION AS A RECEIVING PARCEL FOR DEVELOPMENT OF SINGLE-FAMILY ATTACHED OR MULTI-FAMILY HOUSING.

4. ADDITIONAL REQUIREMENTS

A. SENDING PARCELS

ONE DEVELOPMENT RIGHT MUST BE RETAINED ON THE SENDING PARCEL TO ALLOW FOR THE CONTINUED EXISTENCE OF THE EXISTING DWELLING UNIT.

B. DENSITY EXCHANGE

THE EXCHANGE OF DENSITY SHALL TAKE PLACE AS A PRIVATE EXCHANGE BETWEEN PROPERTY OWNERS, SUBJECT TO THE APPROVAL OF THE SENDING AND RECEIVING PARCELS BY THE DEPARTMENT OF

1 PLANNING AND ZONING IN ACCORDANCE WITH THE PROCEDURES SET  
2 FORTH BELOW.

3  
4 C. APPROVAL OF SENDING PARCEL

5  
6 AN APPLICATION FOR APPROVAL OF THE SENDING PARCEL SHALL BE  
7 MADE AT ANY TIME BEFORE THE INITIAL PLAN FOR THE RECEIVING  
8 DEVELOPMENT IS TECHNICALLY COMPLETE AND TENTATIVE HOUSING  
9 UNIT ALLOCATIONS HAVE BEEN GRANTED BY THE DEPARTMENT OF  
10 PLANNING AND ZONING, AND SHALL INCLUDE THE FOLLOWING:

- 11  
12 1. A FINAL PLAT OF THE SENDING PARCEL.  
13  
14 2. DOCUMENTATION THAT THE SENDING PARCEL COMPLIES  
15 WITH THE CRITERIA IN SECTION 128.L.1.  
16  
17 3. A CALCULATION OF THE MAXIMUM NUMBER OF DEVELOPMENT  
18 RIGHTS WHICH MAY BE REMOVED FROM THE SENDING PARCEL.  
19

20 D. APPLICATION FOR RECEIVING DEVELOPMENT

21  
22 AN APPLICATION FOR THE USE OF THE BONUS DENSITY ON A RECEIVING  
23 PARCEL SHALL BE MADE TO THE DEPARTMENT OF PLANNING AND  
24 ZONING AND SHALL INCLUDE A CALCULATION OF THE PROPOSED  
25 DENSITY AND THE NUMBER OF DEVELOPMENT RIGHTS TO BE OBTAINED  
26 FROM ONE OR MORE SENDING PARCELS.  
27

28 E. APPROVAL OF RECEIVING DEVELOPMENT

29  
30 THE DEPARTMENT OF PLANNING AND ZONING SHALL TENTATIVELY  
31 APPROVE THE TRANSFER OF RECEIVING BONUS DENSITY TO THE  
32 RECEIVING DEVELOPMENT WHEN THE INITIAL PLAN SUBMISSION FOR THE

1 DEVELOPMENT IS TECHNICALLY COMPLETE AND BEFORE TENTATIVE  
2 HOUSING UNIT ALLOCATIONS ARE GRANTED.

3  
4 F. PHASING OF RECEIVING DEVELOPMENTS

5  
6 DENSITY FOR RECEIVING DEVELOPMENTS MAY BE RECORDED IN  
7 SECTIONS. A FINAL SUBDIVISION PLAN OR SITE DEVELOPMENT PLAN  
8 SHALL NOT BE APPROVED FOR THE RECEIVING DEVELOPMENT UNTIL ONE  
9 OR MORE SENDING PARCELS ARE APPROVED WHICH PROVIDE THE  
10 NECESSARY NUMBER OF ADDITIONAL DEVELOPMENT RIGHTS FOR THE  
11 LOTS SHOWN ON THE FINAL SUBDIVISION PLAN, OR THE DWELLING UNITS  
12 INDICATED ON THE SITE DEVELOPMENT PLAN.

13  
14 G. RECORDATION OF SENDING PARCELS AND RECEIVING DEVELOPMENTS.

15  
16 FOLLOWING THE APPROVAL OF THE INITIAL PLAN FOR THE RECEIVING  
17 DEVELOPMENT, THE FOLLOWING DOCUMENTS SHALL BE RECORDED  
18 TOGETHER IN THE LAND RECORDS OF HOWARD COUNTY.

19  
20 1. A REVISION PLAT OR A FINAL PLAT OF EASEMENT FOR EACH  
21 SENDING PARCEL, DESIGNATING THE PROPERTY AS A  
22 NEIGHBORHOOD PRESERVATION SENDING PARCEL AND  
23 INDICATING THE NUMBER OF DEVELOPMENT RIGHTS THAT HAVE  
24 BEEN REMOVED FROM THE PARCEL, THE LOCATION OF THE  
25 RECEIVING DEVELOPMENT, AND THAT ONE DEVELOPMENT RIGHT  
26 HAS BEEN RETAINED FOR THE EXISTING DWELLING UNIT ON THE  
27 NEIGHBORHOOD PRESERVATION SENDING PARCEL.

28  
29 2. A DEED OF NEIGHBORHOOD PRESERVATION PARCEL EASEMENT  
30 FOR EACH NEIGHBORHOOD PRESERVATION SENDING PARCEL THAT  
31 COMPLIES WITH SECTION 128.L.2.  
32



3. A FINAL PLAT FOR THE RECEIVING DEVELOPMENT PARCEL WHICH MAY BE A FINAL SUBDIVISION PLAT DIVIDING THE RECEIVING DEVELOPMENT PARCEL INTO LOTS, OR MAY BE A DENSITY-RECEIVING PLAT THAT RECORDS THE NUMBER OF DEVELOPMENT RIGHTS RECEIVED FROM SENDING PARCELS BUT DOES NOT SUBDIVIDE THE RECEIVING DEVELOPMENT PARCEL. DENSITY RECORDED ON THE FINAL PLAT FOR THE RECEIVING DEVELOPMENT PARCEL SHALL ONLY BE USED ON THAT RECEIVING DEVELOPMENT PARCEL.

***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that the Department of Planning and Zoning is hereby authorized to make non-substantive corrections to codification, capitalization, punctuation, grammar, and spelling to any section of the Zoning Regulations of Howard County amended by this Act.

**Section 3. Be it further enacted** by the County Council of Howard County, Maryland, that the provisions of this act shall become effective 61 days after enactment.